

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 26, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASMINE MARIE CAMPBELL,

Defendant.

No. 4:21-CR-06008-SMJ-4

ORDER DENYING UNITED
STATES' MOTION FOR
DETENTION, GRANTING
DEFENDANT'S MOTION FOR
RELEASE FROM CUSTODY, AND
SETTING CONDITIONS OF
RELEASE

ECF No. 90, 99

On Monday, April 26, 2021, the Court conducted a detention hearing in accordance with 18 U.S.C. § 3142(f). With her consent, Defendant appeared by video from Benton County Jail and was represented by Rick Smith. Assistant United States Attorney Stephanie Van Marter represented the United States.

The Court considered the Pretrial Services Report (ECF No. 98), the counsels' arguments and briefing, the contents of recorded jail phone calls, police reports, and the contents of a search warrant application. To decide whether conditions of release would reasonably assure Defendant's appearance in court and

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1 the safety of the community, the Court considered and evaluated the four factors
2 outlined in 18 U.S.C. § 3142(g):

- 3 1. The nature and circumstances of the offense;
- 4 2. The weight of the evidence against the Defendant;
- 5 3. The history and characteristics of the Defendant; and
- 6 4. The nature and seriousness of the danger the Defendant would present to the
7 community if released.

8 Due to the nature of the charges, there is a rebuttable presumption of
9 detention in this case. Defendant is charged with conspiracy to distribute
10 methamphetamine and fentanyl. The United States proffered that in the course of
11 investigating a shooting which occurred at a codefendant's home, it was
12 discovered that Defendant was involved in distribution of controlled substances
13 and had been utilizing hotel rooms to facilitate the process. It was further
14 proffered that codefendant Ard, who had been released from state custody to reside
15 with Defendant at her home, was continuing to engage in distribution of controlled
16 substances while residing with her. The United States then proffered that law
17 enforcement executed a search warrant at a hotel room which had been linked to
18 Defendant and located \$8800 in cash, a firearm and a magazine, thousands of
19 presumed fentanyl pills, and methamphetamine. It was also proffered that, prior to
20 Defendant's arrest, a codefendant warned her that she was being surveilled by law

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1 enforcement. Finally, it was proffered that at the time of Defendant's arrest she
2 was in possession of fentanyl-laced pills. The Court also notes that Defendant's
3 husband was arrested and indicted in 2020 with respect to a different fentanyl
4 trafficking conspiracy charge. Defendant's husband sought release from custody,
5 yet was denied release in part due to the contents of recorded jail calls in which
6 Defendant indicated that she had attempted to remotely wipe seized cell phones.

7 The weight of the evidence is the least important factor and Defendant is
8 entitled to a presumption of innocence. The United States' proffer included
9 information that Defendant continued to engage in distribution of controlled
10 substances despite her husband being indicted on similar offenses, the fact
11 Defendant indicated she had attempted to destroy evidence, and allowed
12 individuals accused of and under investigation for drug trafficking reside with her
13 at her home. Based on the proffer there is sufficient evidentiary weight to the case
14 to give the Court concern as to dangerousness.

15 Turning to her history and characteristics, Defendant is 30 years old, was
16 born in Richland, Washington, and has resided in the District the majority of her
17 life. Were Defendant to be released from custody, she proposed residing at the
18 home she owns in Richland. Defendant has six siblings, several of which reside in
19 the Tri-Cities area. Her mother and step-father also reside in Richland. Defendant
20 is married and has two minor children from a prior relationship. Prior to her arrest,

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1 Defendant was not working as she was attending college online and
2 homeschooling her children. Defendant has no criminal history.¹

3 Despite the extremely serious nature of the allegations and the Court's
4 concerns about Defendant continuing to engage in criminal activity despite being
5 placed on notice after her husband's arrest, the Court finds that conditions can be
6 crafted to reasonably assure her appearance and safety of the community. That
7 said, the Court will require Defendant to remain in custody until a substance abuse
8 evaluation is completed in order to help maximize the chance for successful
9 participation in treatment should the assessment recommend it.

10 **ACCORDINGLY, IT IS ORDERED:**

11 1. The United States' Motion for Detention (**ECF No. 90**) is **DENIED**.

12 2. Defendant's Motion for Release from Custody (**ECF No. 99**) is
13 **GRANTED IN PART**. Defendant shall remain in custody until she is able to
14 receive a substance abuse evaluation. If an evaluation is not conducted within
15 seven days, defense counsel shall notify the Court.

16 3. The United States shall prepare a list of persons it considers to be a
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18 ¹ The Pretrial Services Report (ECF No. 98) mistakenly lists one prior arrest.
19 However, the Court was informed this report was prepared using an incorrect
20 birthdate and the arrest is not attributable to Defendant.

1 victim or potential witness in the subject investigation or prosecution and shall
2 provide a copy to defense counsel. Should Defendant have any objections to the
3 list, defense counsel shall notify the Court.

4 4. If a party desires this Court to reconsider conditions of release
5 because of material and newly discovered circumstances under 18 U.S.C. §
6 3142(f), that party shall file a motion with the Court, served upon the United States
7 Attorney, stating what circumstances are new, how they are established, and the
8 requested change in conditions of release.

9 5. If a party seeks review of this Order by another court pursuant to 18
10 U.S.C. § 3145(a), counsel shall adhere to the Detention Order Review Protocol
11 found in LCrR 46(k).

12 6. Defendant is bound over to Judge Salvador Mendoza, Jr. for further
13 proceedings.

14 7. Defendant shall abide by the following conditions at all times:

15 **STANDARD CONDITIONS OF RELEASE**

16 1. Defendant shall not commit any offense in violation of federal, state
17 or local law. Defendant shall advise the supervising Pretrial Services Officer and
18 defense counsel within one business day of any charge, arrest, or contact with law
19 enforcement. Defendant shall not work for the United States government or any
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1 federal or state law enforcement agency, unless Defendant first notifies the
2 supervising Pretrial Services Officer in the captioned matter.

3 2. Defendant shall immediately advise the Court and the United States
4 Attorney in writing before any change in address.

5 3. Defendant shall appear at all proceedings and surrender as directed for
6 service of any sentence imposed.

7 4. Defendant shall sign and complete form A.O. 199C before being
8 released and shall reside at the address furnished.

9 5. Defendant shall not possess a firearm, destructive device or any
10 dangerous weapons.

11 6. Defendant shall report to the U.S. Probation/Pretrial Services office
12 before or immediately after release and shall report as often as they direct, at such
13 times and in such manner as they direct.

14 7. Defendant shall contact defense counsel at least once a week.

15 8. Defendant is further advised it is unlawful for any person who is
16 under indictment for a crime punishable by imprisonment for a term exceeding one
17 year, to receive, ship or transport in interstate or foreign commerce any firearm or
18 ammunition or receive any firearm or ammunition which has been shipped or
19 transported in interstate or foreign commerce.

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1 9. Defendant shall refrain from use or unlawful possession of a narcotic
2 drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed
3 by a licensed medical practitioner in conformance with Federal law. Defendant
4 may not use or possess marijuana, regardless of whether Defendant has been
5 authorized medical marijuana under state law.

6 10. Defendant shall surrender any passport to Pretrial Services and shall
7 not apply for a new passport.

8 **SPECIAL CONDITIONS OF RELEASE**

9 1. Defendant shall remain in the Eastern District of Washington for court
10 proceedings unless given permission by the United States Probation/Pretrial
11 Services Office.

12 2. Defendant shall avoid all contact, direct or indirect, with any
13 codefendants or persons who Defendant would reasonably know are or may
14 become a victim or potential witness in the subject investigation or prosecution.

15 3. Notify the United States Probation/Pretrial Services Office within 24
16 hours of any change in address, telephone number, or employment.

17 4. Defendant shall submit to a substance abuse evaluation and undergo
18 any recommended substance abuse treatment as directed by the United States
19 Probation/Pretrial Services Office. Prior to commencing any evaluation or
20 treatment program, Defendant shall provide waivers of confidentiality permitting

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1 the United States Probation/Pretrial services office and the treatment provider to
2 exchange without qualification, in any form and at any time, any and all
3 information or records related to Defendant's conditions of release and
4 supervision, and evaluation, treatment, and performance in the program. I t shall be
5 the responsibility of defense counsel to provide such waivers.

6 5. Abstain totally from the use of alcohol.

7 6. Defendant shall submit to random urinalysis and breathalyzer testing
8 as directed by the United States Probation/Pretrial Services Office.

9 7. Defendant shall refrain from obstructing or attempting to obstruct or
10 tamper, in any fashion, with the efficiency and accuracy of any prohibited
11 substance testing which is required as a condition of release.

12 8. Defendant shall submit to a mental health evaluation and undergo any
13 recommended treatment as directed by the United States Probation/Pretrial
14 Services Office. Prior to commencing any evaluation or treatment program,
15 Defendant shall provide waivers of confidentiality permitting the United States
16 Probation/Pretrial services office and the treatment provider to exchange without
17 qualification, in any form and at any time, any and all information or records
18 related to Defendant's conditions of release and supervision, and evaluation,
19 treatment, and performance in the program. It shall be the responsibility of defense
20 counsel to provide such waivers.

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1 9. GPS Location Monitoring: Defendant shall participate in a program of
2 GPS location monitoring. Defendant shall wear at all times, a GPS device under
3 the supervision of United States Probation/Pretrial Services Office. In the event
4 Defendant does not respond to GPS monitoring or cannot be found, the United
5 States Probation/Pretrial Services Office shall notify the United States Marshals'
6 Service, who shall immediately find, arrest, and detain Defendant. Defendant shall
7 pay all or part of the cost of the program based upon ability to pay as determined
8 by the United States Probation/Pretrial Services Office.

9 10. Home Confinement: Defendant shall be restricted at all times, to
10 Defendant's residence except for: attorney visits; court appearances; case-related
11 matters; court-ordered obligations; or other activities as pre-approved by the
12 United States Probation/Pretrial Services Office or Defendant's supervising officer,
13 including but not limited to employment, religious services, and medical
14 necessities.

15 11. The only persons allowed in Defendant's home shall be herself, her
16 mother, and her children unless Defendant receives prior approval from the United
17 States Probation/Pretrial Services Office.

1 DATED April 26, 2021.

2 *s/Mary K. Dimke*

3 MARY K. DIMKE

4 UNITED STATES MAGISTRATE JUDGE

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